

STATEMENT OF REP. JOHN CONYERS, JR.

Legislative hearing on H.R. 1787, the "Good Samaritan Volunteer Firefighter Assistance Act of 2003," H.R. 3369, the "Nonprofit Athletic Organization Protection Act of 2003," and H.R. 1084, the "Volunteer Pilot Organization Protection Act"

July 20, 2004

Its amazing to me that at a time when our nation faces so many serious problems at home and abroad, this committee chooses to devote so much of its time to the phony issue of federal tort reform.

If you would listen to the Majority, you would think we live in a nation dominated by lawsuits which deters any volunteer efforts. The truth of course, is far different.

1. The tort explosion is a myth, based on little more than anecdotes. The Justice Department's own data reveals that in the last decade the number of lawsuits has dropped by nearly 50%, and the median jury award has dropped by more than 55%.
2. There is little empirical evidence to suggest that federal intervention in the area of volunteer liability will increase the number of volunteers.
3. Widescale federal tort reforms that preempt state law are one of the great hypocrisies of the Republican Majority that came to power promising more autonomy to the states. Several states have already addressed this issue including Alabama, California, Indiana, Kansas, Missouri, New York, South Carolina, Tennessee, Texas, and West Virginia. There is no compelling reason for Congress to get involved in this issue.

The only thing more frivolous than the case for tort reform are the bills being trotted out by the Majority which do nothing to protect victims:

1. H.R. 1787 gives blanket immunity to companies donating obsolete and perhaps dangerous equipment to volunteer fire companies. The legislation has no inspection of certification procedures in place to protect firefighters.
2. The broad immunity of H.R. 3369 would prohibit civil litigation of any grievance arising under the nonprofit sporting organization's rules. Thus, victims would be barred from bringing valid discrimination claims against athletic organizations. And,
3. The expansive protection of H.R. 1084 would force innocent victims to go uncompensated if volunteer pilots did not possess insurance.

The Majority continues to insist that we spend our time devising new ways to cut off the rights of legitimate victims. Its high time we focused on the pain and suffering of the victims of negligence and discrimination instead of the myth of our out-of-control tort system.